

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324c Proceeding
)	
v.)	OCAHO Case No. 97C00099
)	
IGNACIO R. SALAZAR,)	
Respondent.)	Judge Robert L. Barton, Jr.
)	

**ORDER REQUIRING RESPONDENT TO FILE ANSWER TO
COMPLAINANT'S MOTION FOR SUMMARY DECISION**

(November 6, 1997)

On October 6, 1997, Complainant filed a motion for summary decision on both liability and penalty. Respondent has not yet responded to the motion. The OCAHO Rules of Practice and Procedure (OCAHO Rules) provide, in pertinent part, that a party has fifteen days to file a response to a motion which is served by mail. See 28 C.F.R. §§ 68.8(c)(2) and 68.11(b). Therefore, the Respondent has not filed a timely response. However, considering the fact that Respondent is not represented by counsel, and given the importance of the motion, I will give Respondent a further opportunity to respond to the motion. Consequently, Respondent is ordered to file his response to the Complainant's motion for summary decision not later than November 20, 1997.

Further, Respondent is advised that if he fails to comply with this order, I may construe his failure as an abandonment of his request for hearing. The OCAHO Rules provide, in pertinent part, that if a party fails to respond to orders by the Judge, the request for hearing may be dismissed. Consequently, if Respondent fails to file a response to the Complainant's motion, I may construe Respondent's failure as a de facto abandonment of his request for hearing and enter judgment for Complainant. If Respondent has any questions about this order, he should contact my office at (703) 305-1739.

**ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 1997, I have served the foregoing Order Requiring Respondent to File Answer to Complainant's Motion for Summary Decision on the following persons, by first class mail, at the addresses indicated:

Robert M. Lewandowski
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(Counsel for Complainant)

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(Hand Delivered)

Linda Hudecz
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